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Supreme Court of the United States

OCTOBER TERM, 1959.

No. 614

R. M. STRICKER,

Petitioner,

versus

J. P. MORGAN, ET AL., (Mrs. Margaret Koehler Morgan, Edward C. Morgan and Evelyn Morgan Wiemer, substituted as Respondents in the place and stead of J. P. Morgan, deceased),

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

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SUPREME COURT OF THE UNITED STATES.

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J. P. MORGAN, ET AL., (Mrs. Margaret Koehler Morgan, Edward C. Morgan and Evelyn Morgan Wiemer, substituted as Respondents in the place and stead of J. P. Morgan, deceased).

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

The Petitioner prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit, entered in this cause.

OPINIONS BELOW.

The opinion of the District Court (R. Vol. 12, pp. 2282-2317) reported 158 F. Supp. 830. A copy is appended as Appendix I.

The order of the District Court dismissing the Petitioner's complaint (R. Vol. 12, pp. 2317-2318). A copy is appended as Appendix II.

The additional opinion (findings of fact and conclusions responsive to motion for modification) of the District Court (R. Vol. 13, pp. 2471-2474). A copy is appended as Appendix III.

The final judgment rendered by the District Court (R. Vol. 13, pp. 2477-2479). A copy is appended as Appendix IV.

The opinion of the Circuit Court of Appeals for the Fifth Circuit was rendered August 6, 1959, rehearing denied September 30, 1959, and is reported in 268 F. 2d. 882. A copy is appended as Appendix V.

JURISDICTION.

The judgment of the Court of Appeals was entered August 6, 1959 and rehearing was denied September 30, 1959.

Jurisdiction to issue the writ rests on Title 28, United States Code Annotated, Section 1254.

QUESTIONS PRESENTED.

In this case the Court of Appeals has decided an important state question in a way that is in conflict with applicable state law. Furthermore in this case the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, and has so far sanctioned such a departure by the District Court, as to call for an exercise of this Court's power of supervision. In this application for writ of certiorari the questions for review are:

(a) Under the applicable law of the State of Louisiana, was the Petitioner (sometimes hereinafter referred to as Stricker) entitled to the relief prayed for in the absence of a specific authenticated contract in writing duly recorded as held by the court below, notwithstanding the fact that the record contains a multitude of letters, notes, memoranda, accountings and other writings between Stricker and Morgan (original defendant, since deceased) and others conclusively showing the contractual relationship that existed between Stricker and Morgan, which bring the case squarely within the well established jurisprudence